



Attorney's Docket No.: 10636/005001

\$ DAC # 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Castiel, et al. Art Unit: Unknown
Serial No.: 09/658,215 Examiner: Unknown
Filed : September 8, 2000
Title : FIXED SATELLITE CONSTELLATION SYSTEM EMPLOYING NON-
GEOSTATIONARY SATELLITES IN SUB-GEOSYNCHRONOUS
ELLIPTICAL ORBITS WITH COMMON GROUND TRACKS

Box DAC

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION

Sir:

In response to the decision mailed July 9, 2001, applicant herewith requests reconsideration of the above referenced petition.

The decision alleges that the petition lacks supporting evidence of the facts. However, in fact all of the facts and attempts to contact Mr. Draim are summarized in the attached letter dated August 28, 2001, from Tracie Becker to Mr. John Draim. As can be seen from that letter, the papers were originally sent to Mr. Draim on January 18, 2001. Mr. Draim was reminded of his obligation to assign on August 6, 2001 and again on August 24, 2001. Note also that there are allegations that

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

September 10, 2001

Date of Deposit

Signature

R. P. Ippolito

Roxanne Ippolito

Typed or Printed Name of Person Signing Certificate

09/21/2001 GTEFFERA 00000118 09658215

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Mr. Draim has attempted to "misappropriate" the company's intellectual property. However, all due care has been used in attempting to obtain his signature.

The last known address of the nonsigning inventor is as shown on the August 28th letter, copy attached, specifically,

John Draim
Astrodynamics and Watch Technology
Space Resource America Corp.
1101 Pennsylvania Avenue
Suite 600
Washington D.C. 20004

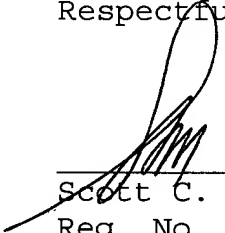
Having complied with all of the items listed in the dismissal, a notice on the merits is requested.

Enclosed is a check for \$55.00 for a one month extension fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

9/10/9



Scott C. Harris

Reg. No. 32,030

Fish & Richardson P.C.
Customer Number: 20985
4350 La Jolla Village Drive, Suite 500
San Diego, California 92122
Telephone: (858) 678-5070
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TRACIE J. BECKER
VICE PRESIDENT AND GENERAL COUNSEL

28 August 2001

VIA EXPRESS COURIER

Mr. John Draim, Vice President
Astrodynamics and Watch Technology
Space Resource America Corporation
1101 Pennsylvania Avenue
Suite 600
Washington, DC 20004

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OFFICE OF PETITIONS

Re: *Documents related to U.S. Patent Application Number 09/658,215, Filed
September 8, 2000*
(a) *Combined Declaration and Power of Attorney*
(b) *Assignment*

Dear Mr. Draim:

By letter dated 18 January 2001, you received the above-referenced documents and were requested to review, execute, and return them to my attention as soon as possible. You did not respond to our request.

By letter dated 6 August 2001, you were again requested to review, execute, and return the above-referenced documents. Although on July 8, 1999 you reviewed the application papers associated with the original filing of the above-reference patent application, our 6 August 2001 letter also invited you to review the application papers again, should you so desire, in our offices subject to appropriate non-disclosure and confidentiality protections.

By letter dated 24 August 2001, you have refused to review, execute, and return the above-referenced documents. You asked instead to receive the confidential application papers at your home address on the grounds that reviewing the papers in the Company's offices would be inconvenient, a claim belied by the fact that (a) you found our location convenient enough during the eight years you performed services for the Company, and (b) you find the nearby location of your current employer sufficiently convenient.

We have reason to believe that since your departure from the Company in May 2000 you have attempted to misappropriate the Company's intellectual property and you have aided and abetted others in doing the same. As reflected by the enclosed rulings of the Chancery Court of Delaware and the Supreme Court of Delaware, please recall that

Draim Refusal 28Aug01

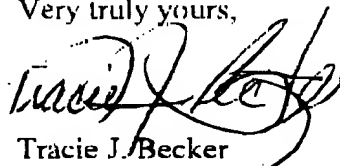
Ellipso Corporation 183 21st Street, NW Washington, DC 20036 Phone: 202.466.4488 Fax: 202.466.4493

your employer and its principals were found to have breached their fiduciary duties and their duties of loyalty to the Company. You will also recall that those individuals and entities have been enjoined by the Court from asserting ownership over the Company's assets, including its intellectual property.

Your past and present assistance to those individuals and entities forces us to infer that your true purpose in seeking unrestricted access to the application papers may be yet another attempt to misappropriate the Company's assets. Consequently, allowing you unrestricted access to the application papers – such as in your home – is not possible as it would breach our legal duties to preserve the Company's assets.

Please be assured that your legal obligations to the Company will be clarified in due course through appropriate legal proceedings.

Very truly yours,



Tracie J. Becker

enc. As noted above.

cc: William Jeffress, Esquire (w/o enc)
Thomas Hunt, Esquire (w/o enc.)
Scott Harris, Esquire (w/o enc.)

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